



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter Of: Elevator Control Service

File No.: B-260451

Date: February 28, 1995

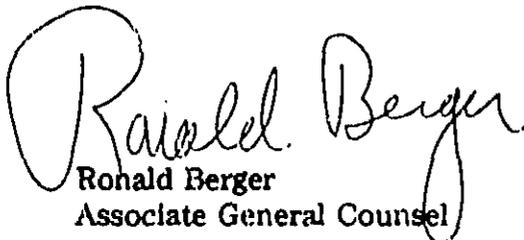
DECISION

Elevator Control Service protests the award of a contract to Century Elevator, Inc. by the Department of the Navy under invitation for bids No. N68925-94-B-A792. Elevator Control contends that Century Elevator lacks the knowledge, capability, and experience to perform the contract.

We dismiss the protest because a protester's challenge to the awardee's ability to perform the contract is generally not reviewed by our Office.

The protester's assertions involve a challenge to the responsibility of the awardee, that is, its ability and qualifications to perform the contract. A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

The protest is dismissed.


Ronald Berger
Associate General Counsel